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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appln. Ser. No.:	Filed:	Inventor(s):	Atty Dkt:
09/701,420	27 January 2000	K. Kumasaka	114GI-127 (0694-127)
Title: PIEZOELECTRIC TRANSFORMER			
Examiner: M.O. Budd		Art Unit: 2834	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR § 1.181
for Review of Finality of Office Action**

Dear Sir:

In connection with the subject application in which a communication mailed April 7, 2004, indicated that the rejections were made final, Applicants hereby Petition for review of the indicated finality of the rejections. 37 CFR § 1.113(a); MPEP 706.07(c).

This Petition is timely made within two months of the action complained, namely, the mailing of the April 7 communication. 37 CFR § 1.181(f). Applicants' previous Response (mentioned below) requested reconsideration of the then-existing rejection (top of page 6 therein).

In the present communication, the Examiner alleges that the newly stated rejections were necessary in view of amendments to claims 4, 5, and 12. A review of the Examiner's previous communication (mailed 06/27/2003) and Applicants' Response (mailed 12/24/2003) clearly shows that the amendments of those claims related to rejections under 35 USC 112, second paragraph. The present communication of 04/07/2004 contains no rejection under 35 USC 112, and so those rejections were overcome by the amendments. Therefore, the amendments did not necessitate the rejections in the present communication having been designated as "final."

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The two references ("JP(250)" and "Inoi") cited as support for the final rejection were never relied upon in any previous communication as a basis for rejection and were previously of record. The Examiner is thus "switching from one set of references to another . . . in rejecting . . . claims of substantially the same subject matter", contrary to the circumstances in MPEP 706.07 where a rejection may be made final.

The new grounds of rejection were not necessitated by the present amendment nor based on references newly cited in an Information Disclosure Statement. MPEP 706.07(a).

Accordingly, the finality of the rejections in the Office Action mailed 04/07/2004 should be withdrawn.

Please charge the fee for this Petition under 37 CFR § 1.17(h) of \$130, and any other fees necessitated by this paper, to the undersigned's Deposit Acct. No. 502144.

Respectfully submitted,


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**CERTIFICATE OF MAILING OR
TRANSMISSION – 37 CFR 1.8**

27 April 2004

I hereby certify that I have a reasonable basis that this paper, along with any referred to above, (i) are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, or (ii) are being transmitted to the U.S. Patent & Trademark Office in accordance with 37 CFR § 1.6(d).

DATE: 27 April 2004

NAME: Brad Ruben

SIGNATURE: 